

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of:	
ORDER OF DISMISSAL, by ALJ Richard Sippel	FCC 17M-35
In and regarding:	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC, DIP	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various Authorizations in the Wireless Radio Services	EB Docket No. 11-71 File No. EB-09-IH-1751
Applicant for Modification of Various Authorizations in the Wireless Radio Services	
Applicant with ENCANA OIL AND GAS (USA., INC.; DUQUESNE LIGHT COMPANY; DCP MIDSTREAM, LP; JACKSON COUNTY RURAL MEMBERSHIP ELECTRIC COOPERATIVE; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT COMPANY; WISCONSIN POWER AND LIGHT COMPANY; DIXIE ELECTRIC MEMBERSHIP CORPORATION, INC.; ATLAS PIPELINE-MID CONTINENT, LLC; DENTON COUNTY ELECTRIC COOPERATIVE, INC., DBA COSERV ELECTRIC; AND SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY	Application File Nos. ¹ 0004030479, 0004144435, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004315903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537, and 0004604962
For Commission Consent to the Assignment of Various Authorizations in the Wireless Radio Service	

To: Marlene H. Dortch, Secretary
Attn: The Commission, and Office of General Counsel
Filed: Filed in dockets 11-71 (and 13-85) and with the Secretary.

**MEMO IN SUPPORT OF AND RELATED TO
NOTICE OF APPEAL**

Warren Havens, and Polaris PNT PBC
2649 Benvenue Avenue
Berkeley, CA 94704
Phone 510. 914 0910

October 6, 2017

¹ Some dismissed after Docket 11-71 commenced.

THE ACCOMPANYING NOTICE OF APPEAL

In the accompanying filing, as parties with legal interest and standing, I, Warren Havens, and with Polaris PNT PBC² (together “Appellants”) submitted a Notice of Appeal to notify the FCC and parties that Appellants will file an appeal (the “Appeal”) and to preserve their right to file an Appeal, of the *Order of Dismissal*, **FCC 17M-35**, released September 28, 2017, by the Administrative Law Hon. Judge Richard Sippel (herein, the “Sippel Termination Order”) (the “Notice”). This memo accompanies the Notice, incorporated herein in full by reference, and explains Appellants’ legal interest and standing to file the Notice and the upcoming Appeal and this Memo, and other relevant matters.

RESERVATION OF RIGHTS

By filing this Notice, Appellants do not waive rights to challenge the Sippel Termination Order, that may also include challenge to decisions in and related to the Sippel Termination Order and docket 11-71 as follows: **(1)** under 47 USC §§ 405 and 402 in a relevant US Circuit Court,³ **(2)** in another federal court including a US District Court,⁴ **(3)** on the basis of *ultra vires*

² This filing is also submitted by Havens for Polaris PNT PBC, a Delaware Public Benefit Corporation, owned and controlled by Havens and in which Havens serves as President. Havens has assigned certain rights and assets to Polaris to enable it to pursue wireless in the public interest and benefit and for commercial gain.

³ There are licensing and other aspects. All or many of these are subject to the following exception in 47 USC §405, and §405 covers all petitions or requests seeking reconsideration of (challenging. decisions by the Commissions and its delated authorities including an administrative law judge, and thus, the Sippel Termination Order (underlining added):

The filing of a petition for reconsideration shall not be a condition precedent to judicial review of any such order, decision, report, or action, except where the party seeking such review (1) was not a party to the proceedings resulting in such order, decision, report, or action, or (2) relies on questions of fact or law upon which the Commission, or designated authority within the Commission, has been afforded no opportunity to pass.

⁴ See, e.g., texts of and Appendix 3 in Appellants’ Request for Stay and Request for Arbitration, filed July 27, 2017, regarding various applications (including application File No. 0002303355, and FCC decisions, including DA 17-26) and filed in this docket 11-71.

and void FCC proceedings and decisions described in my pleadings in the Relevant Proceedings (defined below), and (4) on behalf of or with the United States for claims under False Claims Act, 31 U.S.C. §§ 3729-3733 (“FCA”), the Program Fraud Civil Remedies Act, 31 U.S.C. §§ 3801-3812, or the common law theories of breach of contract, payment by mistake, unjust enrichment, and fraud.⁵

Appendix 3 is entitled” Sufficient case authority regarding the right to sue in a US District Court in cases such as this case (see Appendix 1. which in turn, provides basis for FCC arbitration, as presented above,” and cites to authorities including: Congressional Research Service, “*An Introduction to Judicial Review of Federal Agency Action*,” by Jared P. Cole, Legislative Attorney December 7, 2016 (7-5700 www.crs.gov R44699. (citing statutes and authorities.; *Bucks County Cable v. United States* (FCC. (USDC, ED PA, 1969.; *Grant County Deposit Bank v. McCampbell, et al.*, 194 F.2d 469, 472, 31 A.L.R.2d 909 (6th Cir. 1952.; *Elmo Division of Drive-X Co. v. Dixon*, 121 U.S.App.D.C. 113, 348 F.2d 342 (1965.; *Writers Guild v FCC*, 423 F. Supp. 1064 (USDC, CD CA, 1976).

⁵ Apart from other, including “Relator” information: As shown by my filings in the Relevant Proceedings, the position of Maritime (supported by Choctaw) and eventually substantially joined or supported by Enforcement Bureau, is based on hiding and destruction of core evidence, and like fraud and crime, all damaging and prejudicing Appellants’ interests, underlying their legal standing. See, e.g.: (1) the Mobex admissions in the Wireless Bureau’s “construction audit” associated with Auction 57 (admitting that many stations nationwide, for up to a decade or more, asserted in that time as validly constructed-activated, **were never constructed at all**). (Maritime and its successors have successor transfer liability, I allege, for the fraud and the damages caused.) (2) The Maritime declaration signed by attorney David Predmore (who testified in a court deposition, in *Havens v. Mobex*, MCLM (US District Court, NJ), copy provide in 11-71, that he was directed to write the Declaration’s main provisions by John Reardon of Maritime, formerly of Mobex) in the Maritime Opposition to my Petition to Deny its application to renew WRV374 in year 2011 (asserting -- *under penalty of perjury*—the **destruction** of all of the station records of construction and operation of all of the AMTS site-bases licenses nationwide that Maritime had obtained from Mobex right after that acquisition. (John Reardon was the chief officer on both sides of the sale, and Dennis Brown continued as FCC legal counsel from Mobex over to Maritime: no gap in knowledge can be asserted.) (3) The demonstrated fraud (or grossly negligent representations, which is the same in FCC case law, and under 47 USC §312) as to the real ownership and control in Maritime (supported by Choctaw) **which to this day remains uncured as the extent admitted**: Sandra DePriest admitted, after obtaining the AMTS geographic licenses in Auction 61, to having a spouse--a spousal affiliate and **co-controller** under the relevant FCC rules-- Donald DePriest, and that he controlled various companies that were also affiliates of Maritime including American Nonwovens. **But to this day, Maritime has failed to file and get approval of a transfer of control as required under 47 USC §310(d)** (or to disclose on an FCC application all of its affiliates’ gross revenues): **thus, there are no lawful actions or license ownership by “Maritime,” since its real control is to this day**

LEGAL INTEREST AND STANDING

Appellants have previously submitted showings of sufficient and abundant “party” interest and legal standing to file this Notice and the related subsequent Appeal and this Memo: these showings are in the “Relevant Proceedings,” defined below. For this purpose, Appellants refer to and incorporate herein (i) all of these previous showings, and (ii) the previous finding of the Commission in the OSC/HDO FCC 11-64 that Warren Havens has party interest and standing, discussed below, and the preceding FCC findings that Havens had legal interest and standing that is, in part, indicated in FCC 11-64. Some of these showings and findings are reflected in the preceding section above and they are further presented below.

These showings and these findings have not been diminished by, *but have been enhanced by (further demonstrating elements and conclusions of standing)* various relevant subsequent facts in the subsequent FCC decisions and proceedings in **(1)** this docket 11-71, **(2)** the related docket 13-85, **(3)** the related FCC decisions and actions including the Commission’s Order FCC 16-172 and the decisions and actions based thereupon in year 2017 by the Wireless Bureau and its Mobility Division, and **(4)** other FCC matters involving court proceedings substantially

not submitted to and approved by the FCC, nor have the actual affiliates and gross revenues been filed, or sought and obtained by FCC as its rules require. (4) In this docket 11-71, the Maritime admission that it, with the knowledge of its legal counsel and creditors, falsely maintained terminated site-based stations as valid, for up to 2.5 years (the actual evidence, and lack thereof, shows these were never valid) to keep them by false, fraudulent filings in 11-71, in which it hid these facts. (5) Maritime and EB improper withholding and concealment of evidence by falsely designating it as confidential or for attorneys’ eyes only, when much of that information had been admittedly abandoned by Maritime or was already in the public record, including Maritime’s bankruptcy proceeding (and the ALJ Sippel went along with that): see e.g., the proceedings under FOIA Control Nos. 2014-663 and 2014-664, as well as the other FOIA proceedings related to my attempts to get documents in 11-71 clearly not subject to any legitimate disclosure bar. (6) In addition, the sole, unauthorized “Maritime,” whose real control and ownership is not approved (see above), has effectively supported Arnold Leong (described herein), another person with hidden real interests, each employing violations of 47 USC §310(d) of the Communications Act, 18 USC §1519 of the Criminal Code, and violations of the Communications Act and federal law, as indicated herein and further shown in Appellants’ pleadings in the Relevant Proceedings.

founded or dependent upon these the above-noted FCC proceedings and decisions therein, including the California State Court proceeding involving a receivership *pendent lite* over the FCC licensee companies I previously managed, discussed below, and the bankruptcy case of Maritime Communications/ Land Mobile LLC that also involve Choctaw Holdings and Choctaw Telecommunications (together, “Choctaw”) (together, with related FCC matters, the “Relevant Proceedings”).

The above referenced and incorporated showings of legal standing and interest prevail for purposes of this Notice, but the following summary presentation, derived from those showings, is also provided here. Because the issue of Appellant’s standing is in dispute by others, and I thus expect that this Notice may be challenged on that basis, I present some detail below along with some background to better frame the issue.

Appellants jointly and severally have legal interest and standing under the criteria of “a person aggrieved or whose interests are adversely affected,” as established by Congress in the Communication Act in 47 USC §§ 405, and 402, and related Commission decisions and court case law.⁶ This is abundantly shown in the standing showings in the Relevant Proceedings.

⁶ Congress established in the Communications Act a broad, threshold criteria for sufficient interests of persons who may challenge a FCC decision as to licensing and related decisions of the kind in the Sippel Termination Order and earlier decisions in Docket 11-71 -- “a person aggrieved or whose interests are adversely affected.” That is more broad than “Article III” standing that generally applies in actions in federal trial courts. See, e.g., the US Supreme Court decision *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470; 60 S. Ct. 693 (emphasis added.):

Section 402 (b. of the Act provides for an appeal to the Court of Appeals of the District of Columbia (1. by an applicant for a license or permit, **or** (2) "by any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any such application."

The petitioner insists that as economic injury to the respondent was not a proper issue before the Commission it is impossible that § 402 (b) was intended to give the respondent standing to appeal, since absence of right^{9/} implies absence of remedy. This view would deprive subsection (2) of any substantial effect.

Also, I was designated by the Commission as a party with legal interest and standing to act in this EB Docket No. 11-71 in the Commission's *Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing*, FCC 11-64, released April 19, 2011, 26 FCC Rcd 6520, 76 FR 30154. I did participate in the hearing in Docket No. 11-71, including but not limited to being the only prosecuting party (along with two LLCs I then managed.⁷ in the

Congress had some purpose in enacting § 402 (b)(2) It may have been of opinion that one likely to be financially injured by the issue of a license would be the only person having a sufficient interest to bring to the attention of the appellate court errors of law in the action of the Commission in granting the license. It is within the power of Congress to confer such standing to prosecute an appeal. fn9/

fn. 9/ Compare Interstate Commerce Commission v. Oregon-Washington R. Co., 288 U.S. 14, 23-25.

We hold, therefore, that the respondent had the requisite standing to appeal and to raise, in the court below, any relevant question of law in respect of the order of the Commission.

Appellants here have both the noted broader legal interest and standing, and the more-narrow Article III standing. This is shown in the "standing" sections of Appellants pleadings after FCC 16-172, noted herein, and in their request for declaratory ruling in standing submitted after most of those pleadings.

⁷ My management of those LLCs is subject to a receivership *pendent lite* issued for the movant, Arnold Leong, based upon a falsely alleged emergency need caused by the Order of Judge Sippel that erroneously and unlawfully removed me and companies I managed as parties, FCC 15M-14. Thus, the receivership *was error on top of error, an unlawful action on top of unlawful action*. I am challenging both, *and the compounding involved*, and reserve rights to do so in a US District Court. In that receivership court action, I allege the receivership action and orders are not only incorrect as to facts and application of law, but are void *ab initio*, including because, *inter alia*, they are based on demonstrated violation of exclusive jurisdiction, creating preemption, over Leong's gravamen claims by the FCC under 47 USC §310(d) (as to unauthorized alleged transfer of control), and since they are founded on demonstrated criminal violations under USC Title 18 including 18 USC §1519 (destruction, alteration, or falsification of records in federal investigations and bankruptcy). Also, by evidence, and further on information and belief, Leong and Maritime have relations. They also engage in like violations of 18 USC §1519 to unlawfully obtain *de jure*, or *de facto*, control over FCC licenses, and hide the real parties in interest and control behind their official claims to the licensed spectrum involved.

Thus, to the degree any person alleges I do not have standing in matters before the FCC relating to docket 11-71, including the Sippel Termination Order, due to loss of management and control rights in the FCC licensee entities caused by the receivership (which in turn was based, spuriously, on alleged emergency created by unlawful Sippel Order FCC 15M-14, noted above), I respond that allegation is, at best, premature, since the lost standing asserted is preserved by my

Docket 11-71 proceeding on behalf of the Commission's case under FCC 11-64 at times leading up to and at the trial on "issue (g." in December 2014, where the Enforcement Bureau abandoned the Commission's case under FCC 11-64 and instead put on the case for the accused, Maritime Communications / Land Mobile LLC -- which Judge Sippel allowed-- in manifest error, I alleged and still allege. But for my pre-trial and at-trial participation, there would have been not trial. I also was the only party (along with the noted two LLCs I then managed) filing, post-trial, proposed findings of facts, as the Judge requested, for the Commission's case in FCC 11-64: the

challenged to the actions by Leong to obtain the receivership and to the receivership as unlawful, and void. (Continued...)

As my pending challenges show: that removal under Sippel Order FCC 15M-14 was in error and was unlawful. The Judge's added words to and removing words from the rule he cited as support for his Order, §1.2105(f)(3). This rule was never lawfully enacted with public notice and comment. This Order also falsely and negligently asserted that a motion for summary decision submitted by an attorney for myself and the noted two LLC's was prohibited by the Judge, when the Judge specifically had permitted it shown in the transcript of a pre-hearing conference, and no permission was needed since the relevant rule permitted it in the first place. Also, in this Order, Judge Sippel even attacked and removed entities I managed that were not even active in the proceeding and before him. That is inexplicable but by malfeasance. The alleged bad acts by me in this Order did not occur, or did the Order, with all its bluster, even indicate much specific evidence. I allege that this FCC 15M-14 Order, an *interlocutory order*, was either intentionally contrary to the relevant facts and law, or at best was grossly negligent contrary to the relevant facts and law, and made orders of magnitude worse by Judge Sippel not ruling on my petition for reconsideration for the last two and a half years it has been pending—on an interlocutory order with these manifest errors and dire damages caused to me and the public interest. Congress set a 90-day limit in 47 USC §405, *even for FCC licensing decisions that are not interlocutory*, and, in addition, the failure of the Judge to rule on the petition for reconsideration, and the failure of the Commission to rule on my appeal, of FCC 15M-14, an *interlocutory order*, for this extraordinary period of time, is, I assert: (i) a waiver, and effective concession that FCC 15M-14 is, at best, subject to reversible error, and (ii) causes the proceedings and decisions in this docket 11-71 to be unlawful and void or voidable. These actions in actions by the Judge are the height of manifest impartiality and are disqualifying, and their support by Maritime (with Choctaw) and others is sanctionable. (Under 28 U.S.C. §455(a), "[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." This is adopted in the Model Code of Judicial Conduct for Federal Administrative Law Judges, by National Conference of Administrative Law Judges, Judicial Administration Division, American Bar Association, dated 10-15-1990.) ***I assert that Proceeding with this docket 11-71, including this Sippel Termination Order, with these Havens pending challenges to this interlocutory Order FCC 15M-14, is by itself unlawful and renders these actions and the Sipple Termination Oder void, in the circumstances.***

Bureau had previously crossed over to the side of Maritime when it filed its post-trial proposed findings of fact. The Enforcement Bureau unlawfully defended Maritime against the Commission' position in FCC 11-64 on the specious grounds of "prosecutorial discretion," which may in cases allow a government prosecutor to give up on a case or a cause of action, but does not allow it to help the party accused. ALJ Sipple remarked at the start of the "issue (g)" "trial" or hearing, that he had never seen such a thing, but he would do nothing about it, and later put the lid on the can of worms created by the Sipple Order 15M-14: removing the real party acting for the Commission, myself. This cannot stand under any legitimate Commission, and I believe a federal court will not allow it to stand, either in a Federal trial court after discovery, or in a Federal Circuit Court on review of the existing record.

After the Bureau "jumped ships" -- left the Commission's ship to captain the accused's ship-- it was, I allege, disqualified to act for the Commission, and the Judge was in further error to continue with the case in that situation, as he did, leading to the subject Sipple Termination Order. (That includes the EB and Maritime "joint" stipulations that ALJ Sipple accepted to settle most of the issues in 11-71—there can be no "joint" stipulation when two parties are on the same; EB was Maritime's defense counsel for the hearing and presented Maritime's case).

The manifest errors were then compounded, and improperly covered up, by the Judge's Order 15M-14 that erroneously and unlawfully removed me from the hearing—the person acting

for the Commission.⁸ ⁹ At the same time Judge Sippel attacked me in FCC 15M-14, for purported bad actions (which are rebutted in my appeals), he did nothing at all (to this date) to punish Maritime for its stunning admission that it, along with knowledge of its legal counsel and its creditors, had lied and falsely maintained terminated site-based stations for up to 2.5 years in the 11-71 proceeding, thereby having wasted Judge Sippel's and all parties' time and resources for up to 2.5 years. Again, Judge Sippel and the FCC have taken no action whatsoever against Maritime for those admitted to facts of misrepresentation, lack of candor and outright fraud, while on the other hand, they have acted in a way as to severely harm and damage me, based

⁸ That removal order and the accompanying order referring a "character" issue to the Commission could not be more in error, ill-conceived, and by all objective considerations, ill-intended. That is manifest in many ways, shown in my pending challenge pleadings. FCC 15M-14 alleges years of disruption by me, when in that time the Judge did not prevent the alleged disruption, but instead accepted my participation, granting my major pleading and positions (which resulted in over 80% "win" on issue (g), and allowing me to participate as a party prosecutor at the above noted trial (without my participation there would have been no trial: the Bureau that put on the accused's, Maritime's case, could not also be on the prosecution side, and was not) and then asking and allowing my post-trial findings of fact submission. (In the hearing I also submitted various proposed findings of law.) To then put out an order that I was disruptive is, *if to be believed*, a self-indictment that the Judge mismanaged the proceeding for years. In addition, the Judge and the Bureau refused to take the principal evidence I found on "issue (g)"—after the Judge ordered me to secure and present these, which I did: the approximately 100 boxes of evidence Maritime alleged it had destroyed on its alleged valid site based licenses: construction, leases, etc. – or lack thereof.

⁹ That removal order and the accompanying order referring a "character" issue to the Commission could not be more in error, ill conceived, and by all objective considerations, ill intended. That is manifest in many ways, shown in my pending challenge pleadings. FCC 15M-14 alleges years of disruption by me, when in that time the Judge did not prevent the alleged disruption, but instead accepted my participation, granting my major pleading and positions (which resulted in over 80% "win" on issue (g), and allowing me to participate at the above noted trial (without my participation there would have been no trial), and then asking and allowing my post-trial findings of fact and conclusions of law submission. To then put out an order that I was disruptive is, *if to be believed*, a self-indictment that the Judge mismanaged the proceeding for years. In addition, the Judge and the Bureau refused to take the principal evidence I found on "issue (g)"—after the Judge ordered me to secure and present these, which I did: the approximately 100 boxes of evidence Maritime alleged it had destroyed on its alleged valid site based licenses: construction, leases, etc. – or lack thereof.

entirely on demonstrably specious accusations by Judge Sippel, supported by Maritime and the Enforcement Bureau.

Maritime, with Choctaw in support, were causes and supporters of these clearly erroneous and unlawful actions, summarily noted above, and further discussed below.

In addition, I am a party with legal interest and standing in the matters involving the premise or foundation stated in the Sippel Termination Order on page 1”

Following the Commission’s grant of relief for Maritime and Choctaw’s Second Thursday request, FCC 16-172 (rel. Dec. 15, 2016., the Presiding Judge lifted the stay in this proceeding. Order, FCC 17-04 (rel. Feb. 14, 2017.. The only remaining issue for resolution by the Presiding Judge was whether the 16 site-based facilities still at issue had been permanently discontinued.

This Commission FCC 16-172 decision, and the decisions by the Wireless Bureau Mobility Division that were based upon, related to, or followed FCC 16-172, are all subject to challenge petitions (before the respective authority for each decision, the Commission and relevant delegated authority. by the Appellants here, Havens and Polaris, in which their legal interest and standing is shown. And it is further shown in a request for declaratory ruling on that topic of their interest and standing in those challenged Commission and Division-Bureau decisions: those are the majority of the “Relevant Proceedings” defined above.

The pleadings with Appellants’ challenges, just noted, were placed in Docket 11-71, because those challenges pertained to the matters in FCC 11-64 that commenced and governs Docket 11-71, including all of the matters in the Sippel Termination Order.

As indicated above, I was erroneously and unlawfully removed as a party in this Docket 11-71 by *Judge Sippel interlocutory decision FCC 15M-14, goaded on and supported by Maritime (with Choctaw in support. and “captained” (see above. by the Enforcement Bureau: this was timely challenged by me (and companies I then managed. in both a petition or reconsideration and in an appeal to the Commission, each of which has been is pending now for almost 2.5 years, on this **interlocutory** decision!*

In sum, I have been unlawfully deprived of valuable economic and other interests by these Relevant Proceedings leading to the Sippel Termination Order and by the Sippel Termination Order, and that alone gives me legal standing to challenge it.

I also may pursue a challenge to it under the public interest at issue and the extraordinary cheating by the other parties, largely Maritime, and the failures and ultra vires action by some decisions makers to date within the FCC.

As shown in my pleadings in the Relevant Proceedings: The FCC commenced its unlawful giveaways to Maritime right after Auction 61, by its *ultra vires* rule change of the threshold auction rule for “small company” designated entities that certified rights to and used a bidding and payment discount. For Maritime, the change was directly contrary to the Commission’s decision and examples in adopting the subject rule that no bidder/ bidding discount “size” could be changed after the short-form deadline. For Maritime, FCC staff (at or including at the Auctions Division)¹⁰ decided that its use of false bidding credits are acceptable, if later admitted to, and in this case caught by me (and companies I then managed) and then admitted to, and to some degree then paid for -- if the revised discount is less than used in bidding, even if that cheated, as it did in Auction 61, the lawful bidders and their owners of their lawful high bids. After that *ultra vires* rule perversion, the FCC staff involved with auctions published it in all “Auction Procedures” and other auction related releases, in subsequent auctions, since it was “stuck” with its Frankenstein decision and unlawful boon to Maritime it would not, for reasons still to be uncovered, give up on.¹¹ That has undermined the integrity of

¹⁰ But the Office of General Counsel argued for this, also, in defense of the writ I filed with the US Ninth Circuit Court, regarding this ultra vires rule change as applied in Auction 87. It had no effective defense, only citing to dictum in one case where the holding was in my favor. See my pending application for review regarding Auction 87.

¹¹ Discovery rights appear needed. See case precedents on actions in US District court in footnote 4 above.

all those auctions after Auction 61, and much of the nation's wireless. That raises serious questions, first those in the "public interest" as meant in the Communications Act, to be decided regarding the extensive improper procedures and decisions in this docket 11-71 proceeding and in the other Relevant Proceedings. Action in US District Court appears to be needed, then I intend to pursue it both in the public interest and for my private interests under the legal standing I have, in sum presented above: see footnote 4 above.

Thus, for the reasons above, Appellants have private legal interest and standing to file the Notice of Appeal of the Sippel Termination Order, and the upcoming Appeal, and this Memo, and they also have standing to pursue these in the public interest as meant in relevant sections of the Communications Act including, *inter alia*, 47 USC §§ 312, 310(d), 309(d), 309(j) and 405, and the implementing and related FCC rules of those Act sections, and sections of the US Criminal Code Title 18 including, as referenced in FCC forms and cases, 18 USC §§1001 and 1519.

Respectfully submitted,

October 6, 2017,



Warren Havens
Warren Havens, an Individual
And for Polaris PNT PBC, as President

Contact information is on the Caption page.

Declaration

I, Warren Havens, declare under penalty of perjury that the foregoing filing was prepared by me and that the factual statements and representations contained herein known to me are true and correct.



Warren Havens

October 6, 2017

Certificate of Filing and Service

I, Warren C. Havens, certify that I have, on October 6, 2017: ^{[*]1/}

(1) Caused to be served, by placing into the USPS mail system with first-class postage affixed unless otherwise noted below, a copy of the foregoing filing to the following parties and other persons: ^{[*]2/}

Hon. Richard L. Sippel

Chief Administrative Law Judge
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Washington, D.C. 20554

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By email to: David.Senzel@fcc.gov

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^{[*]1/} The mailed service copies being placed into a USPS drop-box today may be after business hours and thus may not be processed and postmarked by the USPS until the next business day.

^{[*]2/} Appellants do not admit by including any person on this list that they are a proper party to any matter described in this filing. Some are included out of an abundance of caution.

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(2) Caused to be filed the foregoing filing as stated on the caption page, and thus, as I have been instructed, ^{[*]*}3/ provide notice and service to any party that has or may seek to participate in dockets 13-85 and 11-71.

(3) Caused to be sent the foregoing filing via email to the following:
Office of the Inspector General
David Hunt, Inspector General, David.hunt@fcc.gov
Christopher Shields, agent, Christopher.shields@fcc.gov



Warren Havens

^{[*]*}3/ The FCC Office of General Counsel informed me regarding others' filings concerning MCLM relief proceedings that I was served in this fashion. I assume OGC does not apply a different standard to others. If OGC has a different standard, it can make that clear and public.